IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 1782 OF 2005

Naresh J. Solanki ....Plaintiffs.

vs.

Hirabhai J. Sosa .....Defendants

Mr. B.N. Shah i/by. Pramesh I. Vakil

for the plaintiffs.

None for the defendants.

CORAM: SMT. NISHITA N. MHATRE, J.

DATE : 27TH MARCH, 2006.

P.C. :

1. This suit has been filed by the plaintiff claiming an amount of Rs. 5,00,000/- together with interest on the basis of Receipt-Cum-Writing. This Receipt-cum-Writing is issued on a stamp paper of Rs.100/- and is dated

21/6/2002.

2. According to the plaintiff on the basis of this Receipt-cum-Writing the plaintiff had advanced Rs.5,00,000/- to the defendant. This amount was to be repaid by the defendant within the time stipulated i.e within four months of the date of the receipt. However the amount has remained unpaid despite the plaintiff calling upon the defendant to repay the amount.

3. The plaintiff has produced on record the affidavit showing the service of the writ of summons on the defendant. The packet has been returned with the endorsement "not claimed". The plaintiff has also produced on record the original Receipt-cum-Writing and the demand notice.

4. The documents filed by the plaintiff support the pleadings in the plaint. There are no militating circumstances against the plaintiff. Suit decreed as prayed.

:3:

sd/-

****